



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of K.J.S., Fire Fighter  
(M1844W), Jersey City

CSC Docket No. 2020-923

Medical Review Panel Appeal

**ISSUED: : APRIL 12, 2021 (BS)**

K.J.S., represented by Michael L. Prigoff, Esq., appeals his rejection as a Fire Fighter candidate by the City of Jersey City and its request to remove his name from the eligible list for Fire Fighter (M1844W) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel (Panel) on June 19, 2020, which rendered its Report and Recommendation on June 24, 2020. Exceptions were filed on behalf of the appellant.

The report by the Panel discusses all submitted evaluations. It indicates that Dr. Robert Rekker, evaluator on behalf of the appointing authority, conducted a psychological evaluation and characterized the appellant as having no history of significant disciplinary actions taken against him at work or being terminated from employment. However, the appellant was arrested at age 20 for consumption of alcohol by a minor, and he also reported that his name was in a police report for “instigating a fight outside of a bar.” The appellant also had his driver’s license suspended “five or more” times “due to lack of payment and no insurance.” Although the appellant reported having received a total of three motor vehicle summonses, his record revealed that he actually had five. Dr. Rekker noted that the appellant disclosed that he has had “serious financial problems” in the past but had no bankruptcies or vehicle repossessions. He did make his student loan payments late, more than 60 days, on at least two occasions. Further, Dr. Rekker indicated that the appellant provided responses on the testing which suggested that

he had a “substance abuse proclivity.” Consequently, Dr. Rekker did not recommend the appellant for appointment to the subject position.

The Panel’s report also indicates that Dr. Chester E. Sigafoos, evaluator on behalf of the appellant, carried out a psychological evaluation and characterized the appellant as drinking alcohol for the first time when he was in high school, being cited for an open container and underage drinking, and getting into an altercation outside of a bar seven years prior to the evaluation. However, Dr. Sigafoos noted that the appellant did not have recent issues relating to alcohol. Moreover, Dr. Sigafoos reported that the appellant denied ever using any psychoactive substances. Regarding his financial history, the appellant informed Dr. Sigafoos that he did have a history of having his wages garnished over debt. In addition, Dr. Sigafoos noted that the appellant’s responses to psychological testing indicated that the appellant had the ability to think logically and coherently and did not have any significant issues with anger management. However, testing revealed that the appellant may have some “compulsive tendencies.” Dr. Sigafoos concluded that the appellant was psychologically suitable to serve as a Fire Fighter.

The Panel noted that the evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The concerns raised in Dr. Rekker’s evaluation centered on the appellant’s history of alcohol consumption, poor driving record, and financial mismanagement. Upon its review, the Panel found the concerns raised by the appointing authority were substantiated in that the appellant had displayed a pattern of not addressing important obligations in a timely and responsible manner. The appellant still had points on his driving record, and he had not maintained consistent employment. The Panel indicated that, while some of the gaps in the appellant’s employment have been due to “situational variables,” he had not demonstrated “a consistent pattern of planning a responsible course of action when he has had gaps in his employment.” Additionally, the appellant failed to take action to address the financial issues which led to his driver’s license being suspended. The Panel also noted that the appellant’s responses to questions posed by the Panel regarding the appointing authority’s concerns did not show evidence that the appellant had significantly improved in addressing problems in his life. The Panel opined that, if he could maintain a more consistent pattern of meeting responsibilities, he “may” be a suitable candidate at some point in the future. The Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Fire Fighter, indicated that the appellant is mentally unfit to perform effectively the duties of the position sought, and therefore, the action of the appointing authority should be upheld. The Panel recommended that the appellant be removed from the subject eligible list.

In his exceptions, the appellant maintains that the Panel noted a “history” of alcohol situations, but he only had two incidents. His only violation was “just a few months shy of his 21<sup>st</sup> birthday” and occurred more than eight years ago. The appellant states that he regrets his “impulsive lie” to the Police Officer that he was 21 years old when he was charged with an open container of alcohol. With regard to the bar fight, the appellant maintains that he did not instigate the fight nor was ever charged. It was started by a drunk off-duty Jersey City Police Officer and that other off-duty Jersey City Police Officers and a former Jersey City Mayor’s son joined in the melee. A motorist who stopped to help the appellant was also beaten by this group and received serious injuries. Later, this motorist sued Jersey City as a result. Regarding his employment, the appellant argues that he was consistently employed from 2010 through 2019, and he identified his employers. He asserts that he had no disciplinary issues or terminations with any of his previous employers. Further, while he does have five points on his driving record, he claims to have reduced it significantly by attending a driver education course and not receiving any moving violations in the past four years. With respect to his debt, the appellant acknowledges that he has had trouble keeping up with insurance payments, DMV surcharges, and his automobile and student loans. However, he asserts that he is going to pay off “approximately one half” of his student loans with his income tax refund, which he “recently received.” The appellant argues that such problems paying his bills should not be seen as disqualifying, particularly “now as a result of the pandemic.” Moreover, the appellant emphasizes that Dr. Sigafos found him not to have “significant psychopathological conditions.” He notes that although Dr. Sigafos had identified possible issues “in the domains of Decision-Making and Judgement and Assertiveness,” Dr. Sigafos stated that such areas “can be addressed during [the appellant’s training and probationary periods, and often resolve themselves during the seasoning process.” In support of his exceptions, the appellant submits a certification attesting to the foregoing information. Therefore, the appellant maintains that the appointing authority has not met its burden of proof, and he is psychologically suited for the position of Fire Fighter.

## CONCLUSION

The Job Specification for the title of Fire Fighter is the official job description for such positions within the Civil Service system. According to the specification, Fire Fighters are entrusted with the safety and maintenance of expensive equipment and vehicles and are responsible for the lives of the public and other officers with whom they work. Some of the skills and abilities required to perform the job include the ability to work closely with people, including functioning as a team member, to exercise tact or diplomacy and display compassion, understanding and patience, the ability to understand and carry out instructions, and the ability to think clearly and apply knowledge under stressful conditions and to handle more than one task at a time. A Fire Fighter must also be able to follow procedures and perform routine and repetitive tasks and must use sound judgment and logical

thinking when responding to many emergency situations. Examples include conducting step-by-step searches of buildings, placing gear in appropriate locations to expedite response time, performing preparatory operations to ensure delivery of water at a fire, adequately maintaining equipment and administering appropriate treatment to victims at the scene of a fire, *e.g.* preventing further injury, reducing shock, restoring breathing. The ability to relay and interpret information clearly and accurately is of utmost importance to Fire Fighters as they are required to maintain radio communications with team members during rescue and fire fighting operations.

Initially, the Civil Service Commission (Commission) notes that the Panel conducts an independent review of the raw data presented by the parties as well as the recommendations and conclusions drawn by the various evaluators and that, in addition to the Panel's own review of the results of the tests administered to the appellant, it also assesses the appellant's presentation before it prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented.

In the instant matter, the Commission finds the exceptions presented by the appellant not to be persuasive. The Panel accurately characterized the appellant's incidents regarding alcohol and the altercation outside the bar, his employment history, his driving record, and his financial obligations. While the Panel did not find the underage drinking incident or the physical altercation psychologically disqualifying, the Panel was concerned about the way the appellant handled his financial obligations and license suspension, which were consistent with the findings of the appointing authority's evaluator. The Panel also acknowledged that some of the gaps in the appellant's employment were due to situational variables. However, it was the Panel's opinion that the appellant had not shown that he has made a significant improvement on addressing the problems that arise in his life. The issues in his financial and driving history occurred before the onset of the global pandemic. Furthermore, Dr. Sigafos, the appellant's own evaluator, noted that testing revealed that the appellant may have some "compulsive tendencies" and possible issues in decision making. As set forth in the Job Specification for Fire Fighter, a candidate must have the ability to think clearly, apply knowledge under stressful conditions, and must use sound judgment. As it currently stands, the appellant's behavioral record does not demonstrate that he sufficiently possesses these abilities.

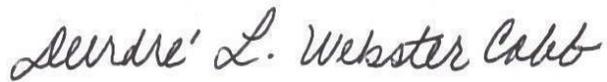
Therefore, having considered the record and the Panel's Report and Recommendation issued thereon and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions as contained in the Panel's Report and Recommendation.

**ORDER**

The Commission finds that the appointing authority has met its burden of proof that K.J.S. is psychologically unfit to perform effectively the duties of a Fire Fighter and, therefore, the Commission orders that his name be removed from the subject eligible list.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 7<sup>TH</sup> DAY OF APRIL, 2021




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